



## INTERIOR BOARD OF INDIAN APPEALS

Pius Real Bird; Eloise W. Pease; Carl Venne; John W. Pease, Henry Old Horn, and  
Floyd Horn; and Surface Owners of the Wolf Mountain Area, Inc. v.  
Rocky Mountain Regional Director, Bureau of Indian Affairs

40 IBIA 21 (05/13/2004)

Related Board case:  
39 IBIA 20



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
801 NORTH QUINCY STREET  
SUITE 300  
ARLINGTON, VA 22203

PIUS REAL BIRD,	:	Order Dismissing Appeals
Appellant,	:	
	:	
ELOISE W. PEASE,	:	
Appellant,	:	Docket Nos. IBIA 03-59-A
	:	IBIA 03-60-A
CARL VENNE,	:	IBIA 03-65-A
Appellant,	:	IBIA 03-66-A
	:	IBIA 03-78-A
JOHN W. PEASE, HENRY OLD HORN,	:	IBIA 03-80-A
and FLOYD HORN,	:	
Appellants, and	:	
	:	
SURFACE OWNERS OF THE WOLF	:	
MOUNTAIN AREA, INC.	:	
Appellant,	:	
v.	:	
	:	
ROCKY MOUNTAIN REGIONAL	:	
DIRECTOR, BUREAU OF INDIAN	:	
AFFAIRS,	:	
Appellee.	:	
	:	May 13, 2004

These appeals are all from or relate to a January 3, 2003, decision by the Rocky Mountain Regional Director, Bureau of Indian Affairs (Regional Director; BIA), approving a June 11, 2002, minerals exploration agreement between the Crow Tribe (Tribe) and Bill Barrett Corporation (BBC). The Board of Indian Appeals (Board) stayed the appeals at the request of Appellant Carl Venne (Docket No. IBIA 03-65-A), Chairman of the Crow Tribe, to permit settlement negotiations between the Tribe and BBC.

On March 15, 2004, the Board received from Chairman Venne a motion to dismiss his appeal with prejudice and a notice to other appellants requesting withdrawal of their related appeals, on the ground that a settlement had been reached between the Tribe and BBC, approved by the Regional Director, which terminated and rescinded the exploration agreement. On March 26, 2004, the Board issued an order allowing appellants in the related appeals until

April 23, 2004, to respond to the motion to dismiss. In that order, the Board indicated that failure of an appellant to respond within the timetable prescribed would be construed as consent to dismissal of their appeal. On March 24, 2004, Appellants John W. Pease, Henry Old Horn, and Floyd Horn (Docket No. IBIA 03-66-A) moved for dismissal of their appeal with prejudice. The Board has received no other responses to its March 26, 2004, order.

The Board concludes that the settlement reached between the Crow Tribe and BBC, terminating and rescinding the exploration agreement, has rendered all of these related appeals moot. The Board appreciates the successful efforts by Chairman Venne and other parties to settle this matter.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board dismisses these appeals with prejudice on the basis of a settlement reached between the Crow Tribe and BBC.

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

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// original signed  
Colette J. Winston  
Administrative Judge